

AGENDA
February 7, 2023
Wadsworth City Council

Regular Meeting of the Wadsworth City Council, Tuesday, February 7, 2023, at 5:30 p.m., in-person in City Council Chambers:

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call
5. Approval of City Council Minutes for the *Regular Meeting of January 17, 2023*
6. Joint Meeting of City Council and Wadsworth Township to Elect a Member of the Woodlawn Union Cemetery Board for the 3-year term expiring December 31, 2025

7. Visitors

8. Correspondence

9. READING OF LEGISLATION:

ORDINANCE NO. 23-009 (1st RDG.): AN ORDINANCE TO AMEND SECTION 35.35 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO CHANGE THE COMPENSATION RATE OF DOG CATCHER AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber

ORDINANCE NO. 23-010 (1st RDG.): AN ORDINANCE TO AMEND SECTION 35.43 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO COMPENSATE THE PLAYBACK TECHNICIAN AT \$16.30 PER HOUR AND TO DECLARE AN EMERGENCY

- Sponsored by President of Council Bob Thurber

ORDINANCE NO. 23-011 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF SNOW REMOVAL CARRIER VEHICLE AND ATTACHMENTS FOR THE WADSWORTH MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee January 23, 2023

ORDINANCE NO. 23-012 (1st RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE PURCHASE OF SNOW REMOVAL CARRIER VEHICLE AND ATTACHMENTS, FOR DESIGN SERVICES FOR PRECISION APPROACH PATH INDICATORS (PAPI), AND DESIGN SERVICES FOR THE CONSTRUCTION OF ADDITIONAL AIRPORT APRON AREA AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee January 23, 2023

ORDINANCE NO. 23-013 (1st RDG.): AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REMOVAL AND CONTROL OF

SNOW AND ICE ON ROADS UNDER THE CONTROL OF THE STATE WITHIN THE MUNICIPAL CORPORATION AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Forwarded by Public Ways Committee January 23, 2023

ORDINANCE NO. 23-008 (2nd RDG.): AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR AND RECEIVE BIDS AND ENTER INTO A CONTRACT FOR CITY STREET SWEEPING AND DECLARING AN EMERGENCY

- Sponsored by Council Member David Williams
- Discussed by Public Ways December 12, 2022

ORDINANCE NO. 23-009 (2nd RDG.): AN ORDINANCE TO ENACT SECTION 90.43 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO PROHIBIT THE FEEDING OF ANIMALS AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Jon Yurchiak
- Forwarded by Committee of the Whole January 17, 2023

AMENDED ORDINANCE NO. 23-003 (3rd RDG.): AN ORDINANCE TO AMEND SECTION 94.03 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO INCLUDE THE SERVING OF INTOXICATING LIQUOR OR BEER AT EVENTS SPECIFICALLY AUTHORIZED BY THE DIRECTOR OF PUBLIC SERVICE AND THE DIRECTOR OF PUBLIC SAFETY AND TO DECLARE AN EMERGENCY

- Sponsored by Council Member Thomas Stugmyer
- Discussed at Committee of the Whole January 3, 2023, with amendment requested

10. Other Business:

- *Executive Session expected regarding land acquisition*

11. Recess or Adjournment

ORDINANCE NO. 23-009
Sponsored by President of Council Bob Thurber

AN ORDINANCE TO AMEND SECTION 35.35 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO CHANGE THE COMPENSATION RATE OF DOG CATCHER AND TO DECLARE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That section 35.35 of the Codified Ordinances of the City of Wadsworth is hereby amended to read as follows:

§35.35 STREET MAINTENANCE DIVISION

The compensation of the employees in the Street Maintenance Division are hereby fixed as follows by compensation grades by reference to the schedules set forth in § 35.47 of this chapter, unless otherwise specified:

Classification	Compensation Grade
Street Maintenance Superintendent	PM-4
Street Maintenance Supervisor	L-12
Street Maintenance Crew Leader	L-10
Equipment Operator I	L-9
Maintenance Worker	L-6
Service Department Administrative Assistant	C-7
Dog Catcher (Part-time)	\$15.22/hour

Section 2. That existing sections 35.35 of the Codified Ordinances of the City of Wadsworth is hereby repealed and the provisions of the amended section herein enacted are made effective December 25, 2022.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth. The reason for such necessity lies in the fact that immediate change is necessary to provide fair and adequate compensation to the city officers and employees, WHEREFORE, this Ordinance shall go into immediate effect provided that it receives a two-thirds vote of all members of city council. If it receives approval by a majority of the

ORDINANCE NO. 23-010
Sponsored by President of Council Bob Thurber

AN ORDINANCE TO AMEND SECTION 35.43 OF THE CODIFIED ORDINANCES OF THE CITY OF WADSWORTH TO COMPENSATE THE PLAYBACK TECHNICIAN AT \$16.30 PER HOUR AND TO DECLARE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That section 35.43 of the Codified Ordinances of the City of Wadsworth is hereby amended to read as follows:

§ 35.43 OFFICE OF CABLE COMMUNICATIONS AND SECRETARY OF THE CABLE TELEVISION COMMISSION.

Title	Compensation Grade
WCTV Operations and Community Relations Coordinator	PM-1
Studio Operations Technician	L-8
Playback Technician	\$16.30/Hour

Section 2. That existing section 35.43 of the Codified Ordinances of the City of Wadsworth is hereby repealed and the provisions of the amended section herein enacted are made effective December 25, 2022.

Section 3. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth. The reason for such necessity lies in the fact that immediate change is necessary to provide fair and adequate compensation to the city officers and employees, WHEREFORE, this Ordinance shall go into immediate effect provided that it receives a two-thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____
Clerk of Council

Approved: _____

Mayor

ORDINANCE NO. 23-011
Sponsored by Council Member David Williams

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE PURCHASE OF SNOW REMOVAL CARRIER VEHICLE AND ATTACHMENTS FOR THE WADSWORTH MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized and directed to advertise for, receive bids for and to enter into a contract for the purchase of snow removal carrier vehicle and attachments for the Wadsworth Municipal Airport in accordance with plans and specifications on file in the office of the Director of Public Service. The total price to be awarded pursuant to said contract shall not exceed \$300,000. If it becomes necessary after the contract is entered into, to authorize change orders, such change orders may be authorized so long as the total financial obligation of the city pursuant to the contract including change orders does not exceed the awarded bid amount plus ten percent of the awarded bid amount.

Section 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the City of Wadsworth in order to maintain safe operations at the Wadsworth Municipal Airport; WHEREFORE, this ordinance shall go into immediate effect provided it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____
President of Council

Attest: _____
Clerk of Council

Approved: _____
Mayor

1st Rdg. _____
3rd Rdg. _____
Vote: aye _____ nay _____

2nd Rdg. _____
Passed: yes _____ no _____
Immediate Effect: yes _____ no _____

ORDINANCE NO. 23-012
Sponsored by Council Member David Williams

AN ORDINANCE AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE PURCHASE OF SNOW REMOVAL CARRIER VEHICLE AND ATTACHMENTS, FOR DESIGN SERVICES FOR PRECISION APPROACH PATH INDICATORS (PAPI), AND DESIGN SERVICES FOR THE CONSTRUCTION OF ADDITIONAL AIRPORT APRON AREA AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized and directed to apply for and enter into a grant agreement with the Federal Aviation Administration for the purchase of snow removal carrier vehicle and attachments, for design services for precision approach path indicators (PAPI), and design services for the construction of additional airport apron area in accordance with specifications on file in the office of the Director of Public Service.

Section 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 3. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the City of Wadsworth in order to maintain safe operations at the Wadsworth Municipal Airport; WHEREFORE, this ordinance shall go into immediate effect provided it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____
President of Council

Attest: _____
Clerk of Council

Approved: _____
Mayor

1st Rdg. _____
3rd Rdg. _____
Vote: aye _____ nay _____

2nd Rdg. _____
Passed: yes _____ no _____
Immediate Effect: yes _____ no _____

ORDINANCE NO. 23-013
Sponsored by Council Member David Williams

AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REMOVAL AND CONTROL OF SNOW AND ICE ON ROADS UNDER THE CONTROL OF THE STATE WITHIN THE MUNICIPAL CORPORATION AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WADSWORTH, STATE OF OHIO:

Section 1. That the Director of Public Service is hereby authorized to enter into an agreement with the Ohio Department of Transportation (ODOT) for the removal and control of snow and ice on road under the control of the state within the municipal corporation.

Section 2. That this Council approves of the agreement attached as Exhibit A between the City of Wadsworth (the municipal corporation) and the Ohio Director of Transportation (ODOT).

Section 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the City of Wadsworth in order to promote highway safety; WHEREFORE, this ordinance shall go into immediate effect provided that it receives a two thirds vote of all members of city council. If it receives approval by a majority of the members but less than a two-thirds vote, then it shall be effective at the earliest time permitted by law.

Passed: _____

President of Council

Attest: _____

Clerk of Council

Approved: _____

Mayor

1st Rdg. _____

3rd Rdg. _____

Vote: aye _____ nay _____

2nd Rdg. _____

Passed: yes _____ no _____

Immediate Effect: yes _____ no _____

EXHIBIT A

ODOT AGREEMENT NO. _____
City Consent Ordinance/Resolution No. _____

**AGREEMENT
BETWEEN THE STATE OF OHIO,
DEPARTMENT OF TRANSPORTATION
AND THE CITY OF WADSWORTH, OHIO
FOR THE REMOVAL AND CONTROL OF SNOW AND ICE**

This Agreement is made by and between the State of Ohio, Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223, acting by and through its Director, hereinafter referred to as the “ODOT” and the City of Wadsworth, 120 Maple Street, Wadsworth, Ohio 44281, hereinafter referred to as the “CITY” and shall be referred to singularly as “party” and collectively as “parties”.

WHEREAS, pursuant to Ohio Revised Code 5501.41, the Director of the Department of Transportation may remove snow and ice from state highways within a municipal corporation, but before doing so, the Director must obtain the consent of the legislative authority of such municipal corporation; and

WHEREAS, pursuant to Ohio Revised Code section 5535.16, a political subdivision may provide snow and ice removal on roads under the control of the state; and

WHEREAS, the legislative authority of the CITY has granted its consent to the Director to remove snow and ice and to use snow and ice control material on the state highways within its corporate limit; and

WHEREAS, it is in the interest and safety of the traveling public, and it serves to manage public resources of ODOT and the CITY in an efficient manner that ODOT perform snow and ice removal and control on State Routes “SR” 57 and 94 within the CITY and that the CITY perform snow removal and ice control on State Routes “SR” 94 and 261 outside the CITY.

NOW THEREFORE, it is agreed by the parties as follows:

1. OBLIGATIONS OF ODOT

1.1 ODOT will remove snow and ice and apply snow and ice control material on the following within the CITY’s corporate limits:

1.1.1 All lanes of SR 57 for a total of 3.29 lane miles, From .56mm (Eastern Rd) to the 3.85mm (I -76)

1.1.2 All lanes of SR 94 for a total of .82 lane miles from the 5.01mm (north city limits) To 5.31mm and .77mm (south of the city limits to Wayne County) to 1.29mm.

EXHIBIT A

- 1.2 ODOT shall perform this work during the normal course of removing snow and ice and applying snow and ice control material on roads within ODOT's responsibility. ODOT shall perform this work at no cost to the CITY. ODOT shall not perform this work more frequently nor alter the schedule of when this work is to be performed and such work shall not include the removal of snow and ice from and the use of snow and ice control material on driveways, parking areas, and intersecting CITY roads and streets.
- 1.2 ODOT grants the CITY the right to use and occupy the right-of-way in and abutting the sections of SR 94 and SR 261 herein described for the purposes of performing snow and ice removal and control operations.
- 1.3 ODOT is responsible to fix, at its own expense, any damage to the road surface, such as potholes, caused by the CITY's removal of snow and ice and/or application of any snow and ice control material.

2. OBLIGATIONS OF THE CITY

- 2.1 The CITY grants ODOT the right to use and occupy the right-of-way in and abutting the sections of SR 57 and SR 94 herein described for the purposes of performing snow and ice removal and control operations.
- 2.2 The CITY is responsible to fix, at its own expense, any damage to the road surface, such as potholes, caused by ODOT's removal of snow and ice and/or application of any snow and ice control material.
- 2.3 The CITY shall perform snow and ice removal and use of snow and ice control material on the following routes outside the CITY in accordance with Ohio Revised Code sections 4511.04 and 4513.18. The CITY shall perform this work at no cost to ODOT:
 - 2.3.1 All lanes of SR 94 from Johnson Road to Edenmore Road for a total of 4.54 lane miles, and
 - 2.3.2 All lanes of SR 261 from SR 94 to Medina Line Road/Summit County Line for a total of 1.41 lane miles.

3. INSPECTIONS

- 3.1 Periodic inspections may be performed jointly by representatives of the parties to determine the level of service being provided on the state highway system during a snow and ice event.

4. TERM OF AGREEMENT

- 4.1 This Agreement shall commence on the date of the last signature below and shall expire on June 30, 2023 (the last date of the current biennium) unless terminated sooner

EXHIBIT A

pursuant to paragraph 4.2 of this Agreement. Upon agreement of the Parties, this Agreement may be renewed in writing for additional (2) year terms.

- 4.2 This Agreement may be terminated by either party giving sixty (60) days written notice to the other party.

5. GENERAL PROVISIONS

- 5.1 This Agreement shall be to the benefit of and be binding upon the respective parties herein, their successors and assigns. Nothing in this Agreement shall inure to the benefit of any third parties. Nothing stated in this Agreement shall act as a waiver of any immunities or defenses available to either party, either by statute or common law.
- 5.2 Either party may, at any time during the term of the agreement, request amendments or modifications which includes assignment. Requests for amendments or modifications shall be in writing and shall specify the requested changes and the justifications for such changes. Should the parties consent to modifications of the contract, then an amendment shall be drawn, approved and executed in the same manner as the original agreement.
- 5.3 This Agreement shall be governed, construed, and interpreted in accordance with the laws of the State of Ohio. To the extent that the ODOT is a party to any litigation arising out of or relating in any way to this agreement or the performance there under, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio pursuant to R.C. 5501.22.
- 5.4 The State of Ohio and ODOT are self-insured.
- 5.5 Each party shall be responsible for liability associated with the party's own errors, actions, or failures to act.
- 5.6 If either party breaches or defaults any of the terms or conditions of this Agreement, and if that breach is not remedied within thirty (30) days after written notification by the non-breaching party of that breach or default, the non-breaching party may terminate this Agreement.
- 5.7 ODOT and CITY agree to make a good faith effort to resolve any disputes which may arise between them concerning interpretation of, or performance pursuant to, this agreement. In the event a dispute arises regarding this Agreement, notification of the dispute shall be sent to the other party within ninety (90) days of discovery of such dispute. Within the notification, the disputing party shall present such evidence as may support their position. Within a reasonable time, the ODOT District Deputy Director and a designated representative from the CITY shall review the facts and circumstances surrounding the dispute for the purpose of determination. Said dispute shall be resolved within a reasonable period of time. The parties agree that any dispute that cannot be resolved shall be resolved solely and finally by the Director of ODOT.

EXHIBIT A

- 5.8 Ohio Ethics Law: The CITY and ODOT, by signing this document, each certify: (1) it has reviewed and understands the Ohio Ethics law and conflict of interest laws as provided by Chapters 102 and 2921 of the Ohio Revised Code, and (2) will take no action inconsistent with those laws.
- 5.9 In carrying out this Agreement the parties shall comply with all applicable federal, state, and local laws in the conduct of all work including, but not limited to non-discrimination, equal employment opportunity and drug free workplace.
- 5.10 In no case shall the either party’s personnel be considered agents, servants, or employees of the other party. Each party shall be responsible for the full payment of all taxes including without limitation, unemployment compensation premiums, income tax deductions, payroll deductions.

6. NOTICE

6.1 Notices under this agreement shall be directed as follows:

City of Wadsworth
120 Maple Street
Wadsworth, OH 44281

Ohio Department of Transportation
District 3
906 N. Clark Avenue
Ashland, OH 44805

7. SIGNATURES

- 7.1 Any person executing this agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this agreement on such principal’s behalf.
- 7.2 Any party hereto may deliver a copy of its counterpart signature page to this Agreement via fax or email. Each party hereto shall be entitled to rely upon a facsimile or electronic signature of any other party delivered in such a manner as if such signature were an original.

(the remainder of this page is intentionally left blank)

EXHIBIT A

The Parties hereunto have caused this agreement to be executed by officials thereunto duly authorized as of the day and year last written below.

CITY OF WADSWORTH

By: _____

Printed Name: _____

Title: _____

Date: _____

STATE OF OHIO

Department of Transportation

By: _____

Jack Marchbanks, Director

Date: _____